

HB 1301 - AS INTRODUCED

2024 SESSION

24-2230

10/08

HOUSE BILL ***1301***

AN ACT relative to wake surfing on public bodies of water.

SPONSORS: Rep. Darby, Hills. 11; Rep. Tanner, Sull. 5; Rep. Vail, Hills. 6

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows the department of safety to restrict or prohibit wake surfing on a public body of water pursuant to a petition and hearing process.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to wake surfing on public bodies of water.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Wake Surfing Restrictions. Amend RSA 270-D:3 by inserting after
2 paragraph VII the following new paragraph:

3 VIII. No person shall operate a motorboat while engaged in wake surfing on a lake, pond, or
4 river, or area thereof, on which wake surfing is prohibited or restricted as a result of a hearing
5 pursuant to RSA 270-D:3-a.

6 2 New Section; Wake Surfing Restrictions; Petition and Hearing. Amend RSA 270-D by
7 inserting after section 3 the following new section:

8 270-D:3-a Wake Surfing Restrictions; Petition and Hearings.

9 I. The commissioner shall adopt rules pursuant to RSA 541-A establishing procedures for
10 the public hearing process contained in this section.

11 II. Any group of 25 or more residents or property owners of a town in which a lake, pond, or
12 river is located may petition the commissioner to prohibit or restrict wake surfing on the lake, pond,
13 or river, or a portion thereof.

14 III. Persons petitioning the commissioner requesting such a restriction shall notify, by
15 certified mail, all abutters with deeded waterfront property or deeded water access rights of the
16 proposed change or restriction and the department shall post the petition on its official website at
17 least 2 weeks prior to a public hearing scheduled by the department of safety. For this section,
18 "abutter " means any person who owns property immediately adjacent and contiguous to the area on
19 which the change of use or restriction of use will take place. "Abutter" shall not include the owner of
20 a parcel of land located more than 1/4 mile from the limits of the proposed change or restriction.

21 IV. The commissioner shall hold a public hearing to determine whether to grant a petition
22 submitted pursuant to paragraph II. In determining whether to grant the petition, the
23 commissioner shall take into consideration the following factors:

- 24 (a) The impact of wake surfing on the environment, the shoreline, and wildlife.
25 (b) The surface area of the lake, pond, or river, or portion thereof, being considered.
26 (c) The use or uses which have been established on the lake, pond, or river, or portion
27 thereof.
28 (d) The depth of the water.
29 (e) The amount of water-borne traffic.
30 (f) The necessity of ensuring access to and use of the lake, pond, or river for all
31 individuals and the right of those individuals to appropriate use of the public waters.

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1 (g) Whether a determination is necessary to ensure the safety of persons and property.

2 V. The commissioner shall hear all petitions as soon as possible after they are submitted.
3 The commissioner shall give priority to hearing first the petitions submitted on behalf of lakes,
4 ponds, or rivers which are generally considered to have problems with wake surfing as evidenced by
5 the number of complaints submitted. A decision shall be rendered within 30 days after the hearing.
6 If wake surfing on a body of water is closed in its entirety as a result of a hearing pursuant to this
7 section, the effective date of such prohibition shall be no sooner than October 1, of the year in which
8 the order is issued.

9 VI. Any person aggrieved by a decision of the commissioner pursuant to this section may
10 appeal to the commissioner for a review of the record and may appeal from such decision pursuant to
11 RSA 541.

12 VII. Any prohibition or restriction of wake surfing on a lake, pond, or river, or portion
13 thereof, imposed pursuant to this section shall have the full force and effect as if enacted as law.

14 VIII. The commissioner shall post any lake, pond, or river, or portion thereof, from which
15 wake surfing is prohibited or restricted pursuant to this section.

16 3 Effective Date. This act shall take effect 60 days after its passage.